

federally designated highways, no appeals may be made to the city council, but must be made to Caltrans as may be permitted by Caltrans. (Ord. No. 729, § 1, 3-12-85)

Sec. 14-167—14-176. Reserved.

**ARTICLE VII. TRANSPORTATION
SYSTEMS MANAGEMENT***

Sec. 14-177. Findings.

The councils of the member cities hereby find and determine that:

- (a) There has been a significant increase in traffic in the cities and surrounding region, and this trend is anticipated to continue in the future.
- (b) Recent and future development and redevelopment within the city and surrounding region will lead to increased traffic in the area.
- (c) Transportation systems management (TSM) programs have been shown to be capable of reducing vehicle trips and increasing vehicle occupancy rates, and can be effective in reducing the need for increasing gasoline taxes and costly major road improvements.
- (d) Decreasing the number of vehicular trips, both absolutely and within peak traffic periods, will help alleviate traffic congestion, energy consumption, and noise levels and will assist in improving and maintaining air quality. These improvements will contribute to making the city an attractive and convenient place to live, work, visit and do business and will help employers recruit and retain a qualified work force.
- (e) Cooperation with and the coordination of TSM programs with nearby cities and other local agencies with transportation roles and participation in a joint powers authority

***Editor's note**—The city instructed that the provisions of Ord. No. 809 be included in the Code. The editor has included the provisions of §§ I—XI as ch. 14, art. VII, §§ 14-177—14-187. Subsequently, Ord. No. 889, adopted Feb. 28, 1995, revised this article to read as herein set out.

with some or all of these agencies will assist the city in meeting the goals and objectives of this article.

- (f) Adoption of this article is one (1) component of implementing a comprehensive approach to reducing traffic problems that should be supported by complementary land use policies and transportation and transit improvements.
- (g) Adoption of this article will promote public health, safety, economic vitality, mitigate the effects of traffic congestion including associated noise and air quality impacts on the environment, and support the general welfare, both within the city and the region.
- (h) The goals and objectives of this article are consistent with this city's general plan.
- (i) Participation of private and public employers, complex operators, employer organizations, and employee organizations (as said terms are hereinafter defined) is critical to the successful implementation of this article.
- (j) In adopting this article, it is the intention of the city council that employers and complex operators who act diligently and in good faith to comply with its provisions shall not be penalized for lack of participation of employees or tenants in commute alternatives, and shall not be held accountable for the achievement of a participation rate by employees or tenants.
- (k) This article will implement provisions of that certain "Joint Powers Agreement establishing that Intercity Transportation Systems Management (TSM) Authority," a joint exercise of powers agreement entered pursuant to the provisions of Government Code section 6500 et seq., of which authority this city is a member.
- (l) Since the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 is the current trip-reduction regulation with which employers must comply and the local jurisdictions within San Mateo County did not elect to accept delegation of

the rule, the provisions in this article are intended to assist employers in achieving their trip-reduction goals as stipulated in the rule.

- (m) This article exempts worksites subject to the requirements of the Bay Area Air Quality Management District's Regulation 13, Rule 1 from any and all requirements of the Local TSM Ordinance which was set forth prior to July 1, 1994.
(Ord. No. 889, § 1, 2-28-95)

Sec. 14-178. Goals and objectives.

- (a) *Goals.* The goals of this article are to:
- (1) Assure that all existing and future employers and complexes participate in mitigating traffic problems by implementing TSM measures;
 - (2) Encourage coordination and consistency between public agencies and the private sector in planning and implementing transportation programs;
 - (3) Increase public awareness and encourage more use of alternatives to commuting by single-occupant vehicles;
 - (4) Reduce traffic impacts within the city and the region by reducing the number of automobile trips, daily parking demand, and total vehicle miles per person traveled that would otherwise be generated by commuting.
- (b) *Objectives.* [The objectives of this article are as follows:]
- (1) To participate in an intercity authority that works in partnership with employers to promote programs and services that help employers achieve their trip-reduction goals in an effort to improve air quality and reduce traffic congestion in the region.
 - (2) To facilitate the achievement of vehicle to employee ratio (VER) standards by public and private employers subject to Regulation 13, Rule 1, a regional employer-based trip-reduction mandate effective in San Mateo County beginning July 1, 1994.

- (3) To encourage and facilitate participation by employers with twenty-five (25) through ninety-nine (99) employees in promoting commute alternatives to their employees.
(Ord. No. 899, § 2, 2-28-95)

Sec. 14-179. Definitions.

As used in this article, the following words and phrases have the meanings respectively ascribed thereto in this section:

(a) *Alternative work hours program* shall mean any system for shifting the workday of an employee so that the workday starts or ends outside of the peak periods. Such programs include but are not limited to:

- (1) Compressed workweeks;
- (2) Staggered work hours involving a shift in the set work hours of all employees at the workplace; and
- (3) Flexible hours involving individually determined work hours within guidelines established by the employer.

(b) *Carpool* shall mean a motor vehicle occupied by two (2) or more employees commuting together.

(c) *Commute* shall mean a home-to-work or work-to-home trip.

(d) *Complex* shall mean any multitenant, non-residential building or group of buildings that houses employees. A complex may have more than one (1) but not necessarily all of the following characteristics:

- (1) It is known by a common name;
- (2) It is governed by a common set of covenants, conditions and restrictions;
- (3) It was approved, or is to be approved, as an entity by the city;
- (4) It is covered by a single subdivision or parcel map;
- (5) It is operated by a single management;
- (6) It shares common parking.

(e) *Employee* shall mean any person hired by an employer for work at the workplace, working

twenty (20) hours or more per week on a regular full-time basis, including independent contractors, but excluding field construction workers, field personnel, seasonal/temporary employees (working less than ninety (90) days consecutively) and volunteers.

(f) *Employer* shall mean any public or private employer, including the city, who has a permanent place of business in the city. "Employer" shall not include contractors or other business entities with no permanent place of business in the city.

(g) *Intercity agreement* shall mean the agreement approved by the city and one (1) or more other cities to establish an organization and procedures for governing a joint TSM program.

(h) *Joint powers authority* shall mean that agency created under the "Joint Powers Agreement Establishing the Intercity Transportation Systems Management (TSM) Authority."

(i) *Peak traffic periods, peak hour and peak periods* shall mean the periods of highest traffic volume and congestion, which are from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m. Monday through Friday inclusively. A "peak period trip" shall mean an employee commute trip to or from a workplace when the employee's workday begins or ends within a peak period.

(j) *Public transit* shall mean publicly provided transportation, usually either by bus or rail.

(k) *Ridesharing* shall mean the transportation of persons in a motor vehicle for commute purposes where the driver is not employed for that purpose. The term includes arrangements known as carpools and vanpools.

(l) *Single-occupant vehicle* shall mean a vehicle occupied by one (1) employee.

(m) *Sponsor* shall mean the owner(s) or developer(s) or manager(s) of a commercial development project or complex.

(n) *Telecommuting* shall mean a system of working at home or at an off-site, non-home telecommute facility for the full work day on a regular basis at least one (1) day per week.

(o) *Transportation system management (TSM)* shall mean a program to improve the movement of persons through better and more efficient use of the existing transportation system.

(p) *TSM trip-reduction program* shall mean a group of measures developed and implemented by an employer to provide transportation information, commute alternatives assistance and incentives to employees.

(q) *TSM board of directors* shall mean the group responsible for policy direction of the TSM organization, with membership and responsibilities as defined in the intercity agreement. Responsibilities also include the general direction of the TSM coordinator and programs as set forth in the intercity agreement.

(r) *Vanpool* shall mean a van occupied by seven (7) or [to] fifteen (15) employees (of the same or multiple employers) including the driver who travel together during the majority of their individual commute distance.

(s) *Worksite* shall mean any real property, real or personal, which is being operated, utilized, maintained, or owned by an employer as part of an identifiable enterprise. All property on contiguous, adjacent, or proximate sites separated only by a private or public roadway or other private or public right-of-way, served by a common circulation or access system, and not separated by an impassable barrier to bicycles or pedestrian travel such as a freeway or flood control channel is included as part of the worksite.

(t) *Employee transportation coordinator (ETC)* shall mean a person, who could be an employee or an employer or sponsor, designated to implement a TSM trip-reduction program and to carry out any other requirements of this article at a workplace.

(Ord. No. 889, § 3, 2-28-95)

Sec. 14-180. TSM coordinator.

The TSM coordinator shall be employed by the joint powers authority and shall serve as staff in administering the TSM provisions of this article as provided in the intercity agreement. Duties shall include, but are not limited to, assisting employers in carrying out TSM responsibilities,

providing commute alternatives assistance, preparing summary reports, and developing incentives for employer participation in the TSM program.

(Ord. No. 889, § 4, 2-28-95)

Sec. 14-181. TSM Requirements.

(a) Each employer within San Mateo County subject to the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 (regional employer-based trip-reduction rule) shall conform to the employer-based trip-reduction program requirements established and enforced by the BAAQMD.

(b) Each employer of twenty-five (25) or more employees, and every sponsor of twenty-five (25) or more employees, is encouraged to distribute to its employees on a regular basis, commute alternatives information on ridesharing, transit, bicycling, etc.; and participate when possible in programs, sponsored by the joint powers authority, that may contribute to the reduction of single occupant vehicle commute trips.

(Ord. No. 889, § 5, 2-28-95)